

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FENDI ADELE S.R.L., FENDI S.R.L., and :  
FENDI NORTH AMERICA, INC., :

Plaintiffs, :

-against- :

ASHLEY REED TRADING, INC., :  
SCOTT RESSLER and :  
JAMES RESSLER, :

Defendants. :  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/26/13

Case No.: 06-CV-0243 (RMB)(MHD)

**JUDGMENT**

#13,0819

Whereas, on February 16, 2010, (Doc. 116), the Court granted partial summary judgment in favor of plaintiffs, holding defendants Ashley Reed Trading, Inc., Scott Ressler and James Ressler liable for trademark counterfeiting and false designation of origin under the Lanham Act, common law unfair competition under New York law, and trademark dilution under 15 U.S.C. § 1125(c) and Section 360-1 of the New York General Business Law; and,

Whereas, the Court further held that plaintiffs are entitled to a permanent injunction prohibiting defendants from purchasing, offering, or selling any item bearing the word "Fendi" or any of the Fendi Marks without plaintiffs' written permission; and,

Whereas, on October 19, 2010, (Doc. 150), the Court entered a Decision and Order holding that no triable issue of fact exists with respect to defendants' willfulness and that plaintiffs should be awarded treble damages and prejudgment interest; and,

Whereas, on May 16, 2011, (Doc. 163), Magistrate Judge Dolinger submitted a report and recommendation recommending that plaintiffs have judgment against the defendants Ashley Reed Trading, Inc., Scott Ressler and James Ressler, jointly and severally, in the principal amount of \$29,855,043.00, plus pre-judgment interest in the amount of \$3,024,705.72, through

May 15, 2011, plus attorneys' fees and costs in the amount of \$866,725.46, *i.e.*, a total of \$33,746,474.18; and,

Whereas on June 30, 2011, the Court entered Judgment #11,1265 against the defendants jointly and severally, awarding plaintiffs the profits obtained by Ashley Reed Trading, Inc. from its 2005 and 2006 counterfeit sales, *i.e.*, \$3,495,514, trebled to \$10,486,542, plus prejudgment interest on the 2005-2006 profit total in the amount of \$970,795.20 (calculated from January 26, 2006, the date of filing of the complaint herein, through August 15, 2010); plus awards of plaintiffs' attorney's fees (\$778,068.11) and costs (\$88,657.35) for the period January 5, 2006 - December 31, 2010; and,

Whereas, on January 4, 2013 the United States Court of Appeals for the Second Circuit entered a Summary Order, 2013 U.S. App. LEXIS 206, affirming this Court's holdings that defendants were liable for selling counterfeit Fendi branded goods for the entire 2001-2006 period, that all such sales were willful as a matter of law, and that defendants' asserted but unproven costs should not be deducted in calculating the award of damages, and vacating Judgment #11,1265 and remanding the matter to this Court "for a determination in the first instance of whether it would be equitable to award damages only for 2005 and 2006;" and,

Whereas this Court has reviewed the record herein and the submissions of counsel, and concluded that the following amounts should be awarded to plaintiffs and against defendants, jointly and severally: a) treble damages in the sum of \$29,855,043.00 for defendants' willful counterfeiting in all years from 2001 through 2006; b) prejudgment interest as of the date of entry of this Judgment of \$3,638,983.46, representing simple interest on defendants' profits (before trebling) of \$9,951,681 at the applicable federal short-term interest rates plus three

percentage points for each quarter, commencing January 26, 2006 through the date hereof; c) plaintiffs attorneys' fees of \$1,064,326.38; and, d) plaintiffs costs in the amount of \$92,533.07;

**It is therefore**

**ORDERED, ADJUDGED AND DECREED, that:**

1. Plaintiffs Fendi Adele, S.r.l., Fendi, S.r.l. and Fendi North America, Inc. shall have final judgment against the defendants Ashley Reed Trading, Inc., Scott Ressler and James Ressler, jointly and severally, in the principal amount of \$29,855,043.00, plus pre-judgment interest in the amount of \$3,638,983.46, plus attorneys' fees of \$1,064,326.38 and costs of \$92,533.07, *i.e.*, **a total of \$34,650,885.91 (thirty-four million six hundred fifty thousand eight hundred eighty-five dollars and ninety one cents)**; and,

2. Ashley Reed Trading, Inc. is permanently enjoined from purchasing, offering, or selling any item bearing the word "Fendi" or any registered Fendi trademark without plaintiffs' written permission; and,

3. Scott Ressler and James Ressler, and any entity in which either is an officer, director, member, or which they jointly or severally control, are each permanently enjoined from purchasing, offering, or selling any item bearing the word "Fendi" or any registered Fendi trademark without plaintiffs' written permission.

**Dated: New York, NY  
April 26, 2013**

Ruby S. Kravitz

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(BY) DEPUTY CLERK